

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Zirft Milano Tony

Case No. 19- 974 -M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. 2422(b)

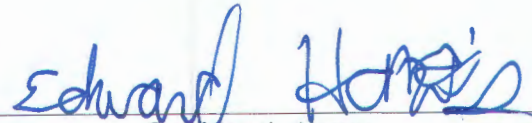
Enticement/attempted enticement of a minor to engage in unlawful sexual activity

18 U.S.C. 2251

Manufacturing/attempted manufacturing of child pornography

This criminal complaint is based on these facts:

See attached Affidavit

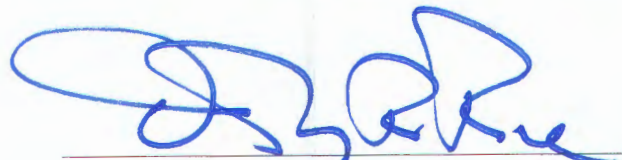
☐ Continued on the attached sheet.*Complainant's signature*

Edward Harris, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

6.5.19*Judge's signature*

City and state:

Philadelphia, PA

HONORABLE TIMOTHY R. RICE, U.S.M.J.

Printed name and title

AFFIDAVIT OF PROBABLE CAUSE

I, Edward Harris, a Special Agent (SA) with the United States Department of Homeland Security, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with Homeland Security Investigations (HSI) and have been since 2009. Your affiant is an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, the offenses enumerated in Titles 8, 18, 19, 21, 31 United States Code and other related offenses. I am currently employed as a Special Agent with U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge in Philadelphia, PA. I have been employed as a law enforcement officer since 2002 and have been employed with HSI as a Special Agent since 2009.

2. As an HSI Special Agent, I have experience in conducting criminal investigations as it pertains to violations of Title 8, Title 18, and Title 21 of the United States Code. I have extensive training and experience conducting and assisting with criminal investigations including, but not limited to, the aforesaid scope. I am currently assigned to the HSI Philadelphia Child Exploitation and Human Trafficking unit where I have investigated and assisted with the investigation of numerous cases involving the sexual exploitation of minor children, the production, distribution, receipt, and possession of child exploitation materials, the coercion and enticement of minors for sexual activity, persons that travel for illicit sexual conduct, and sex trafficking by force, fraud, or coercion.

3. I have received training in the field of child sexual abuse as well as the use of the Internet by sexual offenders to seduce, entice, and gain access to children for the purposes of sexual exploitation.

4. As defined in Title 18, United States Code, Section 2510(7), I am authorized to conduct investigations of, and execute warrants for violations of United States law. I have executed and assisted with the execution of numerous search and arrest warrants during my tenure as a law enforcement officer.

5. Your Affiant is investigating the activities of a person who used a computer device connecting to the Internet to persuade a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct or for the purpose of transmitting a live depiction of such conduct, in violation of Title 18, United States Code, §§ 2422(b) and 2251(a), and who also used a computer device connecting to the internet to receive and/or possess child pornography, in violation of Title 18, United States Code, §§ 2252 and 2252A. As will be shown below, there is probable cause to believe that Zirft TONY has committed violations of 18 U.S.C. § 2422(b), Enticement/Attempted Enticement of a Minor, and 18 U.S.C. § 2251(a), Manufacture/Attempted Manufacture of Child Pornography.

6. All information contained in this affidavit is based either on my personal knowledge or the knowledge of other law enforcement officers/agents involved with this investigation. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant; I have not included each and every fact known to this investigation. I have set forth only the facts that are believed to be necessary to establish probable cause.

BACKGROUND OF THE INVESTIGATION

7. In October 2018, your Affiant learned of a proactive HSI Chicago investigation involving the KIK Messenger user account “ZThrillz.” On or about June 10, 2018, the Rockford, Illinois Police Department (RPD) took a report from a parent in their jurisdiction pertaining to an indecent, online solicitation of their child. While using the child’s phone on June 3, 2018, the parent discovered numerous sexually explicit conversations between her 13-year-old daughter and several suspected adults. The parent also discovered sexually explicit images of her 13-year-old daughter that the child produced and sent to several suspected adults. The parent reported that several of the adults her 13-year-old child messaged appeared to know the child was under the age of 18 based on conversations the parent found on the phone. The parent turned the child’s phone over to the Rockford, Illinois Police Department.

8. Prior to the case being referred from HSI Chicago to HSI Philadelphia for further investigation, a Computer Forensic Agent at HSI Chicago performed a forensic exam on the victim’s phone. The forensic examination of the victim’s cell phone revealed multiple KIK conversations between the victim and a suspected adult KIK user “ZThrillz” during June of 2018, in which the victim produced and sent child sexual exploitation material to “ZThrillz” at his request.

9. Your Affiant reviewed these chats with the corresponding images and in your Affiant’s opinion, they depict child pornography as defined in 18 U.S.C. § 2256, as these files depict the 13-year-old victim in various degrees of nudity, including images that showed the minor female victim’s exposed breasts, abdomen, and vaginal area, and that showed the victim touching her vagina.

10. In one of the KIK chats on June 3, 2018, user “ZThrillz” stated that his first name

is "Zirft." "ZThrillz" also told the victim that he had recently moved to Philadelphia, and he provided his phone number to the victim as 856-449-1054.

11. The following image and/or video files, chats summaries, and other information were captured as evidence by HSI Chicago agents via forensic analysis of the victim's mobile phone (iPhone 7):

June 3, 2018, beginning at approximately 8:25 A.M. (UTC)

ZThrillz: So you read what I wrote and were interested correct? If so, here's a bit more about Myself. I'm Zirft. Pronounced Zelf. I'm a 28 year old black Male from NJ, Now living in Philly...

ZThrillz: And in the interests of honesty, are you recently 13 or are you turning 15 soon? Or are you older or younger than previously stated?

Victim: I am 13, Sir.

ZThrillz: I need your exact age and when you turn your next age. Is there anything else you would like to come clean about? I am giving you this opportunity so I really hope you take it.

Victim: I'm 13 I'll be 14 next year February 2nd there is nothing else.

ZThrillz: Can you take your top off for me?

Victim: ?

Victim: Yes Sir.

ZThrillz: Go ahead.

The victim then posted a photograph of herself, namely a young girl who appears to be in her early teens with her face and the top half of her body visible, wearing only a sports bra.

ZThrillz: Hahaha girl.

Victim: Yes sir.

ZThrillz: Did you really not know what I mean? Or are you intentionally teasing me?

Victim: I wasn't absolutely sure but I thought this would be better Sir.

Victim: Off. Yes Sir.

ZThrillz: Well I meant completely off.

The victim then posted another photo at approximately 9:18 A.M. UTC. The photo depicts the victim with her face and the top half of her body visible and her breasts exposed.

ZThrillz: Much better. And now your tummy. I just want to see what you have to offer then I will send and then if you would like we can continue.

Victim: Yes Sir.

The victim then posted a photo of a female's torso, including the lower part of her breasts below the nipple, stomach, and vaginal area. She appears to be wearing only underwear.

ZThrillz: Good. Obedience very important. Spread your legs a little bit more and take those panties off.

Victim: Yes Sir.

The victim then posted a picture of a female's torso, including her breasts, abdomen, and vaginal area. In this photograph she is not wearing underwear.

ZThrillz: Last two. And the first one I want you to spread those lips a little bit. And the second one I want you to bend over. For the second one if you need to use a timer that is fine.

The victim posted an image of a female's nude torso, exposed breasts, and vaginal area. The female is not wearing underwear and she is touching her vagina using two of her fingers. The victim then posted a picture of a female leaning over towards the camera with her breasts exposed, and her face out of the frame.

ZThrillz: That is spread a little too wide but that's OK. The video was a good idea, but I don't think you understand the point of that was to see your butt and butthole. So why don't you try that again and bend over properly for me and then maybe spread your cheeks a bit.

12. On June 3, 2018, at approximately 10:54 A.M. (UTC), KIK user “ZThrillz” informed the victim that his phone number was 856-449-1054, and he asked the victim to call him.

13. On or about July 2, 2018, HSI served an administrative summons on KIK and learned that “ZThrillz” was using the Internet Protocol (IP) address 71.224.36.58, registered to Comcast Communications, to log into his KIK account between June 3, 2018 and July 3, 2018. HSI served an Administrative summons on Comcast for the subscriber information for this IP address, and learned the subscriber was Amanda Small, 3538 N. Carlisle Street, Philadelphia, PA 19140 (later identified as TONY’s girlfriend/fiancée).

14. On or about November 8, 2018, HSI issued an administrative summons to the Pennsylvania Electric Company (PECO) for information for the account holder at 3538 North Carlisle St, Philadelphia, PA 19140. PECO identified the account holder/subscriber as Zirft TONY, primary phone number 856-449-1054. Both the phone number and first name were provided to the victim in the KIK communications.

15. On or about November 20, 2018, HSI served another administrative summons on KIK Interactive, Inc for the current subscriber information related to the KIK user name “Zthrillz.” On or about November 27, 2018, KIK Interactive, Inc. provided the following account subscriber information:

User name:	zThrillz
First name:	Z
Last name:	Thrillz
Email:	zthrillauncut@yahoo.com (confirmed)
IP Address:	71.230.179.213
Location:	US
Registered:	2012/06/09 06:15:24 UTC
Device:	Android
Model#:	Samsung SM-G950U

16. On November 27, 2018, Your Affiant issued a summons to Sprint Corporation for subscriber information for mobile phone number 856-449-1054, the cell phone number identified as associated with Zirft TONY in CLEAR and Pennsylvania State Police record checks. Sprint revealed the following subscriber information for that phone number:

Name: Zirft Tony
Billing Account number: 491745076
Account billing address effective 05/14/2016: 101 E Gibbsboro Rd, Apt 712,
Lindenwold, New Jersey 08021

17. Your Affiant conducted a search of the Pennsylvania Department of Motor Vehicles (DMV), which revealed that, as of October 6, 2017, Zirft Milano TONY, DOB: [REDACTED] OLN# 28155855, has a reported residence of 3538 N. Carlisle Street, Philadelphia, PA, 19140, the residence associated with the IP address used by the "ZThrillz" KIK account during his online communication with the victim.

18. On June 5, 2019, at approximately 5:00 A.M., your Affiant along with other law enforcement officers executed a nighttime federal search warrant at 3538 N. Carlisle Street, Philadelphia, PA, and for the person of Zirft TONY. Agents encountered TONY and his fiancée, Amanda Small, in the residence. TONY was advised that he was not under arrest and was free to leave at any time. TONY voluntarily agreed to speak with Agents. TONY confirmed his phone number as 856-449-1054, the number associated with the KIK account described above. TONY confirmed that he currently uses a Samsung S8 Sprint mobile phone and previously used a Samsung HTC M8. TONY stated that he is 29 years old and has been engaging in internet chats and other communications with females between the ages of 14 and 18 since he was approximately 19 years old on various internet applications, including KIK. TONY estimated that he has engaged in chat conversations with approximately 50-70 under-age girls. TONY admitted to regularly requesting and receiving pornographic images during these chats,

including nude photos and videos of the minors masturbating with objects like toys and hairbrushes.

19. When shown a printout of a chat from the mobile application KIK between KIK user “ZThrillz” and the 13-year-old victim identified through the HSI investigation, TONY stated that he “could not recall” the specific chat, but acknowledged that the username was his and admitted to operating that KIK account. TONY further stated that the introduction “ZThrillz” used when communicating with the 13-year-old victim was the “script” that he uses to start conversations with females on KIK.

20. After speaking with law enforcement agents at his residence, TONY agreed to meet agents at the Philadelphia Police Department Special Victims Unit (SVU) for additional interviewing and to submit to a polygraph. TONY was again advised that he was not under arrest and did not have to travel to SVU, nor was he required to engage in further conversation with law enforcement. TONY drove his own vehicle to SVU headquarters.

21. During a pre-polygraph interview, before which TONY was again advised that he was not under arrest and was free to leave, TONY was asked to take additional time to review printouts of the KIK chats with the 13-year-old victim and to initial any pages that contained chats that he remembered having with the victim. He initialed all pages of the chat.

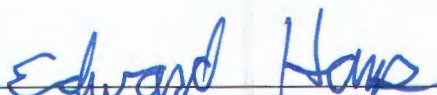
22. During the execution of the search warrant, agents seized four mobile phones, two laptop computers, and two media storage devices for further review. Forensic results are pending.

CONCLUSION

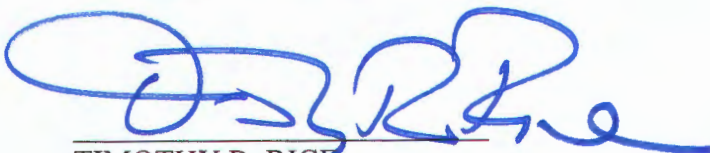
23. Based on the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that Zirft TONY has committed violations of 18

U.S.C. § 2422(b), Enticement/Attempted Enticement of a Minor, and 18 U.S.C. § 2251(a),
Manufacture/Attempted Manufacture of Child Pornography.

Respectfully submitted,


Edward Harris, Special Agent
Homeland Security Investigations

Subscribed and sworn before me
this 5 of June, 2019.


TIMOTHY R. RICE
United States Magistrate Judge